

GARY K. NELSON, THE ATTORNEY GENERAL
STATE CAPITOL
PHOENIX, ARIZONA

LAW LIBRARY

October 5, 1972

ARIZONA ATTORNEY GENERAL

DEPARTMENT OF LAW LETTER OPINION NO. 72-39-L (R-75)

REQUESTED BY: MILLARD HUMPHREY
Director of Insurance

QUESTION: Can the Department of Insurance promulgate a rule which would permit the Director of Insurance to waive the agent's qualification examination for fully qualified and graduate members of the CLU and CPCU?

ANSWER: No.

A.R.S. § 20-293 provides:

No examination shall be required of:

1. Applicants for timely renewal of license.

2. Applicants for license covering the same kind or kinds of insurance as to which the applicant was licensed in this state, other than under a temporary license, within the six months preceding the date of application.

3. An applicant who is a ticket selling agent or other representative of a common carrier, for limited license covering sale of travel accident ticket policies or baggage insurance.

4. Applicants for license as nonresident agent or nonresident broker, but subject to reciprocal arrangements as provided for in § 20-303.


5. Applicants for license with respect to bail bonds only.

The above quoted statute clearly exempts five categories of applicants from the requirement of the examination. Under the rule of statutory construction expressio unius est exclusio alterius there is an inference that the legislative intent of the above quoted statute is to require the examination of all applicants who are not specifically excluded therein.

Opinion No. 72-39-L
(R-75)
October 5, 1972
Page Two

Therefore, it is our opinion that the Department of Insurance could not promulgate a rule which would waive the agent's qualification examination for fully qualified and graduate members of the CLU and CPCU or any other applicant not specifically exempted by A.R.S. § 20-293.

Respectfully submitted,



GARY K. NELSON
The Attorney General

GKN:NCG:ell